

1 James P. Baker (SBN: 096302)
Emily L. Garcia (SBN: 267071)
2 **BAKER & McKENZIE LLP**
Two Embarcadero Center, 11th Floor
3 San Francisco, CA 94111-3802
Telephone: (415) 576-3000
4 Facsimile: (415) 576-3099
Email: jam es.baker@bakermckenzie.com
5 em ily.garcia@bakermckenzie.com

6 Attorneys for Defendants
MATHIEU FIDIAM, J. ROBERT GALLUCCI and
7 THE PARROT CELLULAR EMPLOYEE STOCK
OWNERSHIP PLAN
8

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11 HILDA L. SOLIS,
Secretary of the United States
12 Department of Labor,

13 Plaintiff,

14 v.

15 DENNIS WEBB, MATHIEU FIDIAM,
J. ROBERT GALLUCCI, CONSULTING
16 FIDUCIARIES, INC., and THE PARROT
CELLULAR EMPLOYEE STOCK
17 OWNERSHIP PLAN,

18 Defendants.
19
20
21
22
23
24
25
26
27
28

Civil Action No. C 12-02055 EMC

**STIPULATION AND [PROPOSED]
ORDER REGARDING
CONSOLIDATION OF HEARING
DATES FOR THE CASE
MANAGEMENT CONFERENCE AND
FIDIAM & GALLUCCI, PARROT
CELLULAR ESOP AND DENNIS
WEBB MOTIONS TO DISMISS**

[CIVIL L.R. 7-12]

RECITAL

In accordance with the Court's June 4, 2012 Case Management Conference Order in Reassigned Cases ("CMC Order"), a Case Management Conference is currently scheduled for August 10, 2012 at 9:00 a.m. in the above-referenced case. [Dkt. #19.]. The CMC Order also set the parties' deadline for filing a *joint* case management conference statement at one week in advance of the case management conference date.

On May 29, 2012, Defendants Mathieu Fidiam and J. Robert Gallucci ("Fidiam & Gallucci") filed a Motion to Dismiss Plaintiff's Complaint and noticed their Motion for oral argument on July 6, 2012. [Dkt. #18.] On June 26, 2012, Defendant The Parrot Cellular ESOP Stock Ownership Plan¹ (the "ESOP") filed a Motion to Dismiss Plaintiff's Complaint and noticed its Motion for August 10, 2012. [Dkt. #32.] Defendant Dennis Webb ("Webb") filed both a Joinder in the Fidiam & Gallucci Motion to Dismiss [Dkt. #33] and his own Motion to Dismiss [Dkt. #35] on June 26, 2012. The hearing on Webb's Motion is presently set for August 24, 2012.

STIPULATION

1. The parties, through their undersigned counsel, have met and conferred and agree that it is in the interests of the parties and serves the interests of judicial economy to hold one hearing on the Case Management Conference and all of the pending Motions to Dismiss. Accordingly, the parties hereby request:

a. That the Case Management Conference and the Motions to Dismiss filed by Fidiam & Gallucci, the ESOP and Webb all be heard on August 24, 2012 at 1:30 p.m. in Courtroom 5, 17th Floor before the Honorable Edward M. Chen;

b. That the parties' deadline for filing a joint Case Management Conference Statement be set for August 17, 2012.

¹ The Parrot Cellular Employee Stock Ownership Plan and Money Purchase Pension Plan was erroneously named in the Complaint as the Parrot Cellular Employee Stock Ownership Plan.

2. By entering into this Stipulation, none of the parties waive any procedural or substantive defenses, rights or objections, including, but not limited to the right to challenge personal jurisdiction over any particular Defendant.

Respectfully submitted,

Dated: June 28, 2012

BAKER & MCKENZIE LLP

By: /s/ James P. Baker

James P. Baker
Emily L. Garcia
Attorneys for Defendants
MATHIEU FIDIAM, J. ROBERT
GALLUCCI and THE PARROT
CELLULAR EMPLOYEE STOCK
OWNERSHIP PLAN

Dated: June 28, 2012

U.S. DEPARTMENT OF LABOR, PLAN
BENEFITS SECURITY DIVISION

By: /s/ Glenn M. Loos

Glenn M. Loos
Eric C. Lund
Attorneys for Plaintiff
HILDA L. SOLIS

Dated: June 28, 2012

TRUCKER HUSS APC

By: /s/ R. Bradford Huss

R. Bradford Huss
Attorneys for Defendant
DENNIS WEBB

Dated: June 28, 2012

WILSON ELSE, MOSKOWITZ,
EDELMAN & DICKER LLP

By: /s/ Ralph W. Robinson

Ralph W. Robinson
Shivani Nanda
Attorneys for Defendant
CONSULTING FIDUCIARIES, INC.

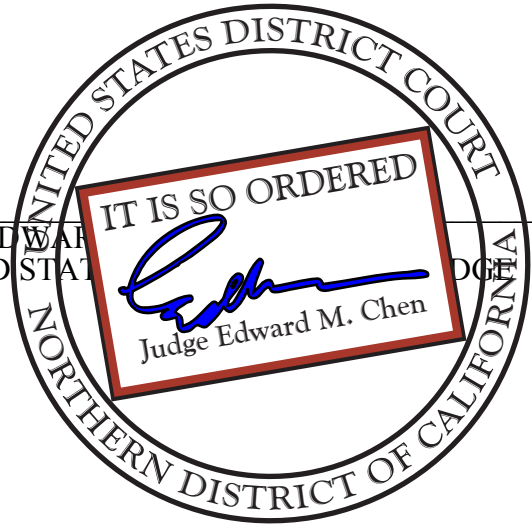
[PROPOSED] ORDER

It is hereby **ORDERED** that the Case Management Conference and oral argument on the Motions to Dismiss filed by Defendants Fidiam & Gallucci, the ESOP and Webb [Dkt. ##18, 32, and 35] shall be heard on August 24, 2012 at 1:30 p.m. in Courtroom 5, 17th Floor and that the parties' joint case management conference statement is due on August 17, 2012.

IT IS SO ORDERED.

Dated: 6/28, 2012

HON. EDWARD M. CHEN
UNITED STATES DISTRICT COURT



ATTESTATION CERTIFICATE

In accordance with the Northern District of California's General Order No. 45,
Section X(B), I attest that concurrence in the filing of this document has been obtained from each of
the other signatories who are listed on the signature page.

Dated: June 28, 2012

/s/ James P. Baker

James P. Baker

BAKER & McKENZIE LLP
Two Embarcadero Center, 11th Floor
San Francisco, CA 94111-3802
Telephone: (415) 576-3000
Facsimile: (415) 576-3099

CERTIFICATE OF SERVICE

I, Bobette M. Tolmer, declare as follows:

I am over the age of eighteen years and not a party to the case. I am employed in the County of San Francisco, State of California, where the mailing occurs; and my business address is **BAKER & McKENZIE LLP**, Two Embarcadero Center, 11th Floor, San Francisco, California 94111-3802; 415 576 3000.

On June 28, 2012, I served a copy of the within document(s):

STIPULATION AND [PROPOSED] ORDER REGARDING CONSOLIDATION OF HEARING DATES FOR THE CASE MANAGEMENT CONFERENCE AND FIDIAM & GALLUCCI, PARROT CELLULAR ESOP AND DENNIS WEBB MOTIONS TO DISMISS

on the interested parties in this action by placing a true copy thereof enclosed in sealed envelopes addressed as follows:

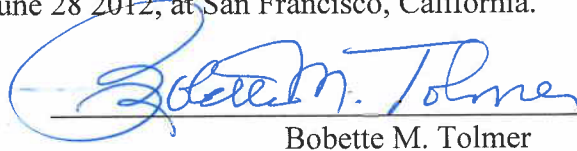
Isabella Marie Finneman, Esq.
Office of the Solicitor,
United States Department of Labor
90 7th Street, Suite 3-700
San Francisco, California 94103
Phone: 415.625.7750
Fax: 415.625.7772

Attorneys for Plaintiff
Hilda L. Solis
Secretary of the U.S. Dept. of Labor

☒ (BY U.S. MAIL) I placed each such sealed, prepaid envelope, for collection and mailing at Baker & McKenzie LLP, San Francisco, California, following ordinary business practices. I am familiar with the practice of collection for U.S. mail, said practice being that in the ordinary course of business, correspondence is picked up at our office the same day as it is placed for collection. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

I declare under penalty of perjury under the laws of the United States of America that the above is true and correct. Executed on June 28 2012, at San Francisco, California.


Bobette M. Tolmer

GESDMS/6584667.1